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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,061	01/30/2001	Neal A. Osborn	PALM-3285.US.P	6019
7590 03/25/2005				
WAGNER, MURABITO & HAO LLP Two North Market Street, Third Floor San Jose, CA 95113			EXAMINER PAN, YUWEN	
			ART UNIT 2682	PAPER NUMBER

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/773,061	<b>Applicant(s)</b> OSBORN ET AL.	
	<b>Examiner</b> Yuwen Pan	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Response to Arguments*

1. Applicant's arguments filed 11/8/04 have been fully considered but they are not persuasive.

The applicant argues that prior art of record, Bell reference, doesn't permit a "user selection". The examiner respectfully disagrees because first of all, a user selection step must be present during the applicant described invention. It could be chaos when a user with a fully automatic communication device, such as PDA in to a meeting, everyone in the meeting could get user's information without permission. Then, Bell does teach that a user selection (see column 5 and lines 60-64). Further, the applicant argues that:

"The rejection acknowledges that Bell does not teach, suggest or disclose the limitations of "second electronic device automatically displaying a message indicating a user selection." Consequently, Bell cannot teach, suggest or disclose any action responsive to such non-existent user selection, such as the limitation of automatically communicating a second message of the same type, as recited in the instant claims."

Based on the applicant foregoing statement, since Bell explicitly teaches the permission of user selection. It is legitimately to combine the teaching of McGaughey where in response to previous step, said second electronic device automatically displaying a message indicating a user selection.

The applicant further argues that:

"With respect to Claims 13 and 19, McGaughey do not teach, disclose or suggest the claim limitations of wherein step c) comprises the step of said second electronic device allowing a user to select between: 1) accepting said first electronic business card; 2) rejecting said first electronic business card; and 3)

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accepting said first electronic business card and automatically transmitting said second electronic business card" as recited by Claims 13 and 19."

Again, this argument is still around the "user selection". The difference between Bell's invention and applicant's is that Bell teaches the user selection prior to the initial of session and applicant's is during a session. So MchGaughey reference teaches that user could select which mode during a session.

Whether which mode to choose, either accepting only, rejecting only or swapping is same as Push, Pull or Push and Pull by using the Bluetooth object (see Bell column 6 and lines 46-56). Thus, although Bell doesn't teach in response to previous step, said second electronic device automatically displaying a message indicating a user selection, Bell still teaches the feature of user selection.

In light of foregoing, the previous rejection of the applicant's application stands.

#### **DETAILED ACTION**

##### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US006600902B1) in view of McGaughey, III et al (US Patent #: 4,977,520), hereinafter McGaughey.

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Per claim 1 and 8, 14, Bell discloses a method of communicating information comprising the steps of:

Communicating a first electronic business card from a first electronic device to a second electronic device using a wireless communication mechanism (see figure 3 and items 31-43, column 5 and lines 10-23);

Said second electronic device receiving said first electronic business card (see figure 3 and items 46);

Responsive to said user selection, said second electronic device storing said first electronic business card and automatically communicating a second electronic business card to said first electronic device (see column 6 and lines 45-65).

One portable electronic device (see figure 2 and item 3) comprising:

A processor coupled to a bus (see figure 2 and item 24);

A transmitter and a receiver (see figure 2 and items 20-23);

A display screen (see figure 2 and item 28);

A memory coupled to said bus and comprising instructions that implement a method of communicating information (see figure 2 and item 25 and 26).

Bell doesn't teach that in response to previous step, said second electronic device automatically displaying a message indicating a user selection.

McGaughey teaches that in response to previous step, said second electronic device automatically displaying a message indicating a user selection (see abstract, column 4 and lines 34-48).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of McGaughey with Bell's method such that it permits a user to interact with the exchanging information by selecting one of the options.

With respect to claims 2,3 and 9,10, 15,16, Bell further discloses said wireless communication mechanism is infrared communication and substantially compatible with a Bluetooth communication protocol (see column 4 and lines 48-53).

With respect to claims 4,11, 17, Bell further discloses first and second electronic devices are both palm-sized computer (see column 4 and lines 46).

With respect to claims 5 and 6, Bell further discloses calendar information and an electronic business card (see column 3 and lines 30-33).

With respect to claim 7, Bell further discloses data base files (see figure 2, item 27).

With respect to claims 12 and 18, Bell further discloses that said first electronic business card represents an owner of said first electronic device and wherein said second electronic business card represents an owner of said second electronic device (see column 5 and lines 59-65).

With respect to claim 13 and 19, Bell further discloses the step of said second electronic device allowing a user to select between: 1) accepting said first electronic business card; 2) rejecting said first electronic business card; and 3) accepting said first electronic business card and automatically transmitting said second electronic business card (see column 6 and lines 46-65).

With respect to claim 20, Bell further discloses that said display screen is a liquid crystal display screen (see figure 2 and item 28).

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

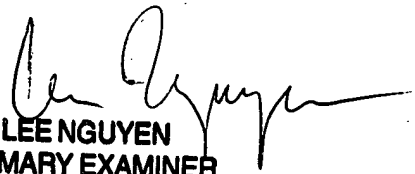
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
March 18, 2005

  
**LEE NGUYEN**  
**PRIMARY EXAMINER**